

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION

Steve Jenkins,)	
)	
Plaintiff,)	C.A. No. 1:21-00557-HMH-SVH
)	
vs.)	OPINION & ORDER
)	
Food Service Administrator and)	
Cook Supervisor,)	
)	
Defendants.)	

This matter is before the court for review of the Report and Recommendation of United States Magistrate Judge Shiva Hodges made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 for the District of South Carolina.¹ Steve Jenkins (“Jenkins”), a prisoner proceeding pro se, brings this action pursuant to Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics, 403 U.S. 388 (1971), asserting violations of the First Amendment, the Religious Freedom Restoration Act (“RFRA”), 42 U.S.C. § 2000bb et seq., and the policies of the Bureau of Prisons (“BOP”). In her Report and Recommendation filed on August 27, 2021, Magistrate Judge Hodges denied Jenkins’ motion to amend and motion for discovery, and recommended granting Defendants’ motion for summary judgment. (R&R, generally, ECF No. 37.)

¹ The recommendation has no presumptive weight, and the responsibility for making a final determination remains with the United States District Court. See Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the magistrate judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

Jenkins did not file any objections to the Report and Recommendation. Jenkins filed a document titled “ADD Amend Complaint,” which the court construes as a third motion to amend his complaint. (Mot. Amend, ECF No. 39.) This purported motion to amend the complaint fails for the same reasons listed in the Report and Recommendation. (R&R 23-24, ECF No. 37.) In the absence of objections to the magistrate judge’s Report and Recommendation, this court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983). The court must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

After a thorough review of the Report and Recommendation and the record in this case, the court adopts Magistrate Judge Hodges’ Report and Recommendation and incorporates it herein. It is therefore

ORDERED that defendants’ motion for summary judgment, docket number 23, is granted. It is further

ORDERED that Jenkins’ motion to amend, docket number 39, is denied as moot.

IT IS SO ORDERED.

s/Henry M. Herlong, Jr.
Senior United States District Judge

Greenville, South Carolina
September 22, 2021

NOTICE OF RIGHT TO APPEAL

The Plaintiff is hereby notified that he has the right to appeal this order within sixty (60) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.